



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1
5 Post Office Square, Suite 100
BOSTON, MA 02109-3912

URGENT LEGAL MATTER - PROMPT AND COMPLETE REPLY IS REQUIRED
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JUN 29 2016

David MacHavern, President
The Heritage Automotive Group, Inc.
30 Green Mountain Drive
P.O. Box 1100
Burlington, VT 05402

Re: Request for Information, Docket No. CWA-308-R01-FY16-70
Discharge of Gasoline Oil on May 12, 2016 at Heritage Automotive Group, Inc.'s Bulk
Oil Storage Facility in South Burlington, Vermont ("the Facility")

Dear Mr. MacHavern,

The U.S. Environmental Protection Agency ("EPA") received a report for the above-referenced oil spill and potential discharge to surface waters. To enable EPA to determine whether this discharge violated Section 311(b)(3) of the Clean Water Act (the "Act"), 33 U.S.C. § 1321, you are hereby required, under the authority of Sections 308 and 311(m) of the Act, 33 U.S.C. §§1318 and 1321(m), to answer the questions attached to this letter and to send your response, within 30 calendar days of your receipt of this letter, to:

Joseph Canzano, P.E.
Region I Oil Spill Prevention Compliance Coordinator
U.S. Environmental Protection Agency, Region 1
5 Post Office Sq., Suite 100
Mail Code OES04-4
Boston, MA 02109-3912

Please be advised that noncompliance with the Clean Water Act may subject you to both injunctive relief and penalties. EPA reserves its right to take further enforcement action pursuant to the Clean Water Act, including the right to seek civil penalties, for any violations, including those described above.

Please be further advised that compliance with this Request for Information letter is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, within the time frame specified above, also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of civil penalties. In addition,

providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001. If information or documents not known or available to you as of the date of submission of your response to this Request for Information letter should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible, and provide a corrected response.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to you.

Enclosed with this Request for Information letter is an information sheet intended to assist small businesses, as defined by the Small Business Administration ("SBA") at 13 C.F.R. § 121.201, in understanding and complying with environmental regulations. EPA New England is routinely providing this information to businesses in the course of its enforcement activities, whether or not they are small businesses as defined by the SBA. The Small Business Regulatory Enforcement and Fairness Act provides small businesses with the opportunity to submit comments on regulatory enforcement at the time of an agency enforcement activity. The enclosed Information Sheet provides information on this right, as well as information on compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. Please be aware that availing yourself of this opportunity does not relieve The Heritage Automotive Group, Inc. of its responsibility to comply with federal law and this Request for Information letter.

Your response to this Request for Information letter must be accompanied by a certification, to be signed and dated by the person who is authorized to respond to this Request for Information letter on behalf of the company. The certification must state that your response is complete and contains all information and documentation available to you that is responsive to the Request. A Statement of Certification is enclosed.

If you have any technical questions concerning your compliance with this letter, please contact Joseph Canzano, Region I Oil Spill Prevention Compliance Coordinator, directly at (617) 918-1763, or have your attorney contact Jeffrey Kopf, Senior Enforcement Counsel, at (617) 918-1796.

Sincerely,



James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship

Enclosure

cc: Jeffrey Kopf, Senior Enforcement Counsel, EPA Region 1
Joseph Canzano, Oil Spill Prevention Compliance Coordinator, EPA Region 1
James Donaldson, VTDEC

Enclosure to Information Request

Re: Discharge of gasoline oil during delivery to the Facility on May 12, 2016

1. Please provide a detailed description of the above-referenced oil discharge, including:
 - a. Provide the date and time the discharge occurred, the date and time the discharge was discovered, and the date and time the discharge was reported to the National Response Center and any other appropriate federal, state and/or local agencies (e.g., EPA, state environmental agency, fire department). Include the name and phone number of the agency personnel contacted.
 - b. If the discharged oil entered one or more bodies of water, or their adjoining shorelines, provide the name of each body of water.
 - c. Provide the quantity (in gallons) of oil spilled, and the quantity (in gallons) entering a water body or adjoining shoreline. If the spilled material was a mixture, give the chemical name of each component in the mixture and its percentages by weight in the mixture. If the material spilled was petroleum, give the grade of oil.
 - d. Describe the pathway the oil discharge traveled, starting from the original spill point to all water bodies into which the oil flowed. Your explanation of the exact pathway shall include all routes the oil traveled, including, but not limited to, any tributaries, wetlands, ditches, swales, culverts, and/or catch basins, and public and/or private sewer piping systems. Regarding tributaries, wetlands, ditches, swales, culverts and/or catch basins, indicate the location of all tributaries, wetlands, ditches, swales, culverts and/or catch basin locations in the area where the tanks are present and convey discharged material to surface waters. Describe the hydrological connection between tributaries, wetlands, ditches, swales, culverts and/or catch basins, and any municipal or private stormwater drainage systems to surface waters by which discharged oil traveled.
 - e. Provide a statement that indicates which connection point(s) to the three-inch diameter oil transfer hose failed and disconnected (*i.e.*, the oil tank to hose or the tanker truck piping to the hose). Provide in detail all reasons (*i.e.*, human and/or mechanical) why the piping connection point failed and/or provide a fault analysis report.
 - f. Provide the type and age of the tank and transfer hose/piping and hose connectors being used at the time of the spill, and inspection records for the past three years. Also provide, for the tank and transfer hose and connectors from which the oil spilled, the date and results of the last formal tank and piping integrity test conducted (*e.g.*, pressure, shell thickness).

- g. Describe the extent to which the discharge caused a film or sheen on the surface of the water or adjoining shoreline, and/or caused a sludge or emulsion to be deposited on the water body bottom or on adjoining shorelines.
 - h. Describe any environmental damage resulting from the spill, such as fish kills, dead waterfowl or animals, stained vegetation or soil, etc. Provide any documentation in your possession related to the environmental damage resulting from the spill.
 - i. Describe any damage to public or private property, such as road surfaces, bridge abutments, dams, beaches, boat hulls, wells, etc.
 - j. Provide a summary of events immediately preceding the spill event, including the probable cause of the spill. Provide the name and title of company personnel associated with the cause of, reporting of, or attempted control of the spill.
 - k. Describe any actions taken to control and/or remove the spilled material from the environment or to mitigate its effects on the environment, including a summary of the costs of such actions. Please provide copies of all clean-up contractor invoices and manifests.
 - l. Describe any measures taken after the spill event to prevent a recurrence, including the costs of such measures.
 - m. Provide the names, titles, addresses and phone numbers of employees and officials you believe to have knowledge of the facts surrounding the spill event.
 - n. Provide copies of any investigative reports by state environmental agencies, state or local police, fire departments, insurance companies, etc.
- 2. Provide the name, address, phone number of the Facility's owner at the time of the spill.
 - 3. Provide the name, address, phone number of the Facility's operator at the time of the spill, if different from the owner.
 - 4. Provide the name, address, and phone number of any additional party that installed or provided maintenance to the tank from which the material spilled, and provide any documents relating to the permitting and licensing of the tank from which the material spilled.
 - 5. Provide the date the Facility first began operation and, if different, the date the current owner took over ownership of the Facility. If the Facility is operated by an entity other than the owner, also include the date the current operator took over operation of the Facility.

6. Provide a list of all the oil storage capacity at the Facility at the time of the spill, both underground and aboveground (including, tanks, drums, transformers, oil-filled systems, etc.) and the type of oil stored in each container. Indicate each container's age and method of construction (e.g., single or double wall, steel or fiberglass). Also indicate whether any secondary containment was provided around each container, and, if so, its method of construction and the total volume it can contain. Under 40 C.F.R. § 112.2, "oil" is defined as oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.
7. If applicable, the date the Facility first started having the capacity to store oil above the SPCC regulatory thresholds set forth in 40 C.F.R. § 112.1(d)(1) (i.e., the SPCC-regulated underground oil storage capacity of the Facility is greater than 42,000 gallons -or- the aboveground oil storage capacity of the Facility is greater than 1,320 gallons).
8. If a SPCC Plan was in effect at the time of the above mentioned spill, please submit a copy of the Plan, including written verification of the date such Plan was prepared, certified, and fully implemented.
9. If a SPCC Plan was prepared and implemented after the spill, a copy of such plan; or, if the SPCC Plan is being prepared but is not yet completed or fully implemented, a detailed schedule of when it will be completed and fully implemented. The schedule should include the name and address of the registered professional engineer preparing and certifying the plan. If the plan calls for the construction of secondary containment at the Facility, the schedule should include construction milestone dates. Or alternately, if the Facility is believed to no longer require an SPCC Plan, the reason for such determination.
10. If the Facility is developing a SPCC Plan post-spill, please also include the following information:
 - a. The cost of preparing the SPCC Plan;
 - b. The cost of implementing the Plan (including the cost of constructing secondary containment at the Facility); and
 - c. The ongoing annual costs of plan implementation (including training, inspections and record keeping).
11. Provide a history of spill events at the Facility within the last five years (from the date of the spill in question). Explain the circumstances of each spill, the quantity of oil or hazardous material spilled, whether the oil or hazardous material reached any bodies of water and, if so, the names of such water bodies, and the quantity of oil or hazardous material entering such water bodies.
12. Provide a description of any training program in place for company personnel related to spill response.

13. Provide a list of additional facilities owned by you, including the name, location, and total number of employees at each facility. If any of these facilities are operated by an entity other than the owner, provide a list of additional facilities operated by each such entity, including the name, location, and total number of employees at each facility. For each additional facility listed, please provide the following information:
- a. The aggregate shell capacity of all above ground oil tanks and containers equal to or greater than 55 gallons in size at each facility;
 - b. Explain whether each additional facility is subject to the Oil Pollution Prevention Regulations (40 C.F.R. Part 112);
 - c. For those facilities that are subject to the Oil Pollution Prevention Regulations, indicate whether the facility has a written, Professional Engineer-certified SPCC Plan or a written, self-certified SPCC Plan, and whether the SPCC Plan is being fully implemented at the facility; and
 - d. For facilities that are required to have an SPCC Plan but either do not have one or are not fully implementing their SPCC Plan, provide a time frame for when each facility is expected to be in compliance with the Oil Pollution Prevention Regulations.
14. Provide any additional information which you wish to bring to the attention of EPA.

Statement of Certification for The Heritage Automotive Group, Inc.

(To be returned with Response to Information Request)

I declare under penalty of perjury that I am authorized to respond on behalf of The Heritage Automotive Group, Inc. I certify that the foregoing responses and information submitted were prepared under my direction or supervision, and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Print Name)

(Title)

(Date)



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc-hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.